

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HARVEY PATRICK SHORT,  
*Plaintiff,*

v.

MS. MARIEL, et al.,  
*Defendants.*

CIVIL ACTION  
NO. 19-3020

**ORDER**

AND NOW, this 7th day of May, 2020, upon consideration of Defendants Ms. Mariel, Mr. Francis and GEO Group, Inc.'s Motion to Dismiss (ECF No. 17) and Plaintiff's Response (ECF No. 20), it is **ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's claim against GEO Group based on the alleged denial of medical treatment is **DISMISSED**. Plaintiff may amend this claim on or before **June 29, 2020** if he is able to allege facts sufficient to state a plausible claim for relief consistent with the accompanying Memorandum of Law. If Plaintiff files an Amended Complaint, Defendants shall file a responsive pleading within fourteen days thereafter. If Plaintiff elects not to file an Amended Complaint, he shall file a notice of his intent to stand on the remaining claims in his Second Amended Complaint on or before **Monday, June 29, 2020**.

It is **FURTHER ORDERED** that the Clerk of Court shall provide Plaintiff with two blank copies of U.S. Marshals Form 285. The summonses on Krester and Oscar were returned unexecuted because neither is still employed at the George W. Hill Correction Facility. (ECF No. 21). Accordingly, Plaintiff shall, on or before **Monday, June 8, 2020**, submit an amended and fully executed USM-285 Form for each

Defendant that includes: (1) the Defendant's first and last name and (2) an address where the Defendant may be served. If Defendants Krester and Oscar are not served on or before **June 29, 2020**, Plaintiff's claims against them will be dismissed without prejudice for lack of prosecution.

It is **STILL FURTHER ORDERED** that Counsel for Defendants shall **MAIL** a copy of the Court's Memorandum and this Order to Harvey Patrick Short and shall confirm that they have done so in an email to Chambers\_of\_Judge\_Pappert@paed.uscourts.gov.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.